

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF OHIO
Eastern Division**

**WOLF CREEK CONTRACTING
COMPANY, LLC,**

Plaintiff,

v.

CALVIN CONTRACTORS, INC.,

Defendant.

Case No.: 2:19-cv-04142

Judge Sarah D. Morrison

Magistrate Judge Kimberly A. Jolson

**PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

Plaintiff, Wolf Creek Contracting Company, LLC, by and through counsel, and pursuant to Federal Rule of Civil Procedure 56(a), moves this Court for an Order granting summary judgment as follows:

1. With respect to Count II of Plaintiff's Complaint, by ordering and declaring that Defendant's Mechanic's Lien, filed on August 16, 2018 at Book 6, Page 536 in the Office of the Clerk of the Nicholas County Commission, in Nicholas County, West Virginia, is void, legally ineffective, released and/or discharged; and

2. With respect to Defendant's Counterclaim, by dismissing it *in toto* without prejudice.

The reasons supporting this Motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Daniel P. Corcoran

Daniel P. Corcoran (#0083512)

Adam J. Schwendeman (#0097521)

THEISEN BROCK,

a legal professional association

424 Second Street

Marietta, Ohio 45750

Telephone: (740) 373-5455

Telecopier: (740) 373-4409

corcoran@theisenbrock.com

schwendeman@theisenbrock.com

*Counsel for Plaintiff, Wolf Creek Contracting
Company, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, I electronically filed the foregoing **Plaintiff's Motion for Partial Summary Judgment** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record, provided they are CM/ECMF participants.

/s/ Daniel P. Corcoran

Daniel P. Corcoran (#0083512)

Adam J. Schwendeman (#0097521)

THEISEN BROCK,

a legal professional association

424 Second Street

Marietta, Ohio 45750

Telephone: (740) 373-5455

Telecopier: (740) 373-4409

corcoran@theisenbrock.com

schwendeman@theisenbrock.com

*Counsel for Plaintiff, Wolf Creek Contracting
Company, LLC*

(484078)